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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

PARRY, CHRISTOPHER L

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/003,826	Applicant(s) PILAT, PAUL	
	Examiner Chris Parry	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page __, line __, "may used" should be --may be used--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-9, 12-14, 16-22, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (U.S. 6,836,274).

Regarding Claim 1, Kikinis teaches, "displaying a portion of an electronic program guide (EPG)" by disclosing isometric three-dimensional EPG in figure 2. Kikinis teaches, "displaying an enhanced program listing for at least one of the program listings of the EPG portion" by disclosing the program listing of a baseball game could appear in a virtual 3-D shape of a baseball bat, or a baseball (Kikinis - Col. 5, lines 39-50).

As for Claim 3, Kikinis teaches, "wherein the EPG comprises a three dimensional (3D) EPG" by disclosing isometric three-dimensional EPG in figure 2. Kikinis teaches, "displaying the enhanced program listing as a 3D graphic text appearing above the level of other program listings of the EPG portion in 3D space" by disclosing when item 116 is selected, the title of the program is displayed on sign 120 above mesh 100 (Kikinis - Col. 6, lines 15-25).

As for Claim 4, Kikinis teaches, "displaying the enhanced program listing as a 3D graphic image appearing above the level of other program listings of the EPG portion in 3D space" by disclosing U.S. patent application Ser. No. 09/488,361, by Kamen et al. "Kamen", is incorporated herein by reference (Kikinis - Col. 2, lines 50-55). Kamen teaches a user can click on object 121 and the EPG can respond by reconstructing the image of the baseball bat by moving bat 121 closer to the viewer as shown in figure 5A (Kamen – Page 21, lines 15-21).

As for Claim 5, Kamen teaches, "wherein the 3D graphic image comprises a logo identifying a television program described by the enhanced program listing" by disclosing display element 121 is a baseball and bat which indicates a baseball game (Kamen – Page 10, lines 13-21).

As for Claim 6, Kamen teaches, "wherein the 3D graphic image comprises a character image identifying a character of a television program described by the enhanced program listing" by disclosing horse 194 or "character image" which indicates a horse race will air (Kamen – Page 16, lines 4-5).

As for Claim 7, Kamen teaches, "displaying the enhanced program listing as animation appearing above the level of other program listings of the EPG portion" by disclosing display element 121 is a baseball and bat, thereby indicating that the show in question is a baseball game and further, the motion of the bat or "animation" is indicated by arrow 121a (Kamen – Page 10, lines 19-21).

As for Claim 8, Kikinis teaches, "displaying a plurality of enhanced program listings at different heights of 3D space above a level of other program listings within the EPG portion" by disclosing objects 101 may be arranged in planes 102, 103, 104 according to user selected categories. In one embodiment, the three planes shown represent levels of preference or "program listings at different heights", and specifically represent the categories "preferred," "neutral," and "don't prefer." In FIG. 2, the first plane 102 represents the "preferred" category, the second plane 103 represents the "neutral" category and the third plane 104 represents the "don't prefer" category (Kikinis – Col. 5, lines 30-38).

As for Claim 9, Kikinis teaches, "removing the display of the enhanced program listing" by disclosing when news 116 is selected, the full title of the program "ABC Evening News" is displayed on sign 120 as shown in figure 2. Sign 120 is placed on top of the mesh and displays details of the selected program. The user may move cursor 114 throughout the mesh 100 to select and preview different television programs. In addition to showing the selected element on table 120, a further enhancement in one embodiment could pull that show to the front and display it hovering in front of the mesh 100 (Kikinis – Col. 6, lines 15-25). When the user selects another program, the ABC

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news sign has to be removed so it can be replaced with the new sign that references the highlighted program.

As for Claim 12, Kamen teaches, “displaying an icon indicating that interactive content associated with a program identified by the enhanced program listing is available for access over the Internet” by disclosing in figure 2, a user can click baseball 122 to access information concerning merchandise that can be purchased and this information can be downloaded from the Internet (Kamen – Page 12, lines 1-20).

As for Claim 13, Kamen teaches, “accepting an enhanced program listing for inclusion in the EPG in return for value” by disclosing television networks or cable or satellite system operators may display logos or alternatively, a combination of indicative icons and corporate logos on EPG screen 102. For example, if a baseball game is played in 3Com park in San Francisco, 3Com Corporation, for an additional fee or “return value”, can have its logo inserted on screen 102 in lieu of or along with baseball and bat pictogram 121 (Kamen – Page 13, lines 11-15).

Regarding Claim 14, Kikinis teaches set-top box 400 in figure 5, which comprises processor 425 and memory 405 for storing instructions for displaying EPG in 3D 410. Kikinis teaches, “display a portion of an electronic program guide (EPG)” by disclosing isometric three-dimensional EPG in figure 2. Kikinis teaches, “display an enhanced program listing for at least one of the program listings of the EPG portion” by disclosing the program listing of a baseball game could appear in a virtual 3-D shape of a baseball bat, or a baseball (Kikinis - Col. 5, lines 39-50).

Considering Claim 16, the claimed elements of wherein the EPG comprises a three dimensional (3D) EPG and instructions to display the enhanced program listing comprise instructions to display the enhanced program listing as a 3D graphic text appearing above the level of other program listings of the EPG portion in 3D space, corresponds with subject matter mentioned above in the rejection of claim 3, and is likewise treated.

Considering Claim 17, the claimed elements of wherein the EPG comprises a 3D EPG and instructions to display the enhanced program listing comprise instructions to display the enhanced program listing as a 3D graphic image appearing above the level of other program listings of the EPG portion in 3D space, corresponds with subject matter mentioned above in the rejection of claim 4, and is likewise treated.

Considering Claim 18, the claimed elements of wherein the 3D graphic image comprises a logo identifying a television program described by the enhanced program listing, corresponds with subject matter mentioned above in the rejection of claim 5, and is likewise treated.

Considering Claim 19, the claimed elements of wherein the 3D graphic image comprises a character image identifying a character of a television program described by the enhanced program listing, corresponds with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

Considering Claim 20, the claimed elements of wherein the EPG comprises a 3D EPG and instructions to display the enhanced program listing comprise instructions to

display the enhanced program listing as animation appearing above the level of other program listings of the EPG portion, corresponds with subject matter mentioned above in the rejection of claim 7, and is likewise treated.

Considering Claim 21, the claimed elements of instructions to display a plurality of enhanced program listings at different heights of 3D space above a level of other program listings within the EPG portion, corresponds with subject matter mentioned above in the rejection of claim 8, and is likewise treated.

Considering Claim 22, the claimed elements of instructions to remove the display of the enhanced program listing, corresponds with subject matter mentioned above in the rejection of claim 9, and is likewise treated.

Considering Claim 25, the claimed elements of instructions to display an icon indicating that interactive content associated with a program identified by the enhanced program listing is available for access over the Internet, corresponds with subject matter mentioned above in the rejection of claim 12, and is likewise treated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Borden, IV et al. "Borden" (U.S. 6,857,128).

As for Claim 2, Kikinis fails to disclose wherein the enhanced program listing comprises text displayed differently than program listings surrounding the enhanced program listing in the EPG portion. In a related art pertaining to video distribution, Borden discloses "cell" 62 of the display area corresponds to a program selection area. Cell 62 is indicated by a dashed line in FIG. 3, although on an actual display the program selection area location is preferably hidden. Instead, the user sees a highlight indication, such as a thicker border, a different background color, and/or a different text color, of the program 64 overlying the program selection area (the program selection area also can be identified as shown by similarly highlighting the channel identifier 66 and time slot 54 corresponding to the program selection area) (Col. 3, lines 42-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with the teachings of Borden in order to display text differently than program listings surround the enhanced program listing in an EPG for the benefit of having the highlighted program stand out from the rest of the program listings.

Considering Claim 15, the claimed elements of wherein the enhanced program listing comprises text displayed differently than program listings surrounding the enhanced program listing in the EPG portion, corresponds with subject matter mentioned above in the rejection of claim 2, and is likewise treated.

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6. Claims 10-11 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis in view of Lawler et al. "Lawler" (U.S. 5,907,323).

As for Claim 10, Kikinis fails to disclose rendering an audio segment associated with display of the enhanced program listing for perception by a viewer of the EPG. In a related art pertaining to video distribution, Lawler discloses station controller 20 provides an audio segment related to the selected programming (Col. 5, lines 53-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with the teachings of Lawler in order to render an audio segment associated with an enhanced program for the benefit of providing more summary information about a program to a viewer over prior art systems that only provide brief text descriptions.

As for Claim 11, Kikinis fails to disclose displaying a video clip associated with the enhanced program listing on at least a portion of a display. In a related art pertaining to video distribution, Lawler teaches program summary panel 80 includes a preview display window 94 within which interactive station controller 20 renders display imagery relating the focused programming. The display imagery may include currently available video programming, an on-demand video clip or segment, or a still image (Col. 5, lines 45-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with the teachings of Lawler in order to display a video clip associated with the enhanced program listing for the benefit of providing more summary information about a program to a viewer over prior art systems that only provide brief text descriptions.

Considering Claim 23, the claimed elements of instructions to render an audio segment associated with display of the enhanced program listing for perception by a viewer of the EPG, corresponds with subject matter mentioned above in the rejection of claim 10, and is likewise treated.

Considering Claim 24, the claimed elements of instructions to display a video clip associated with the enhanced program listing on at least a portion of a display, corresponds with subject matter mentioned above in the rejection of claim 11, and is likewise treated.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to electronic program guides.

U.S. Pat. No. 6,331,852 to Gould et al.

U.S. Pat. No. 6,008,803 to Rowe et al.

U.S. Pub. No. 2002/0166122 to Kikinis et al.

U.S. Pat. No. 6,563,515 to Reynolds et al.

U.S. Pat. No. 6,870,573 to Yeo et al.

U.S. Pat. No. 5,815,145 to Matthews III

U.S. Pub. No. 2003/0046693 to Billmaier et al.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Initials: CLP
November 22, 2005


Patent Examiner
Art Unit 2614